



February 1, 2005

HOUSE BILL No. 1137

DIGEST OF HB 1137 (Updated January 27, 2005 9:16 am - DI 92)

Citations Affected: IC 2-5; IC 4-4; IC 4-5; IC 4-13; IC 4-13.1; IC 4-13.6; IC 4-34; IC 5-2; IC 5-3; IC 5-14; IC 5-15; IC 5-22; IC 5-27; IC 6-8.1; IC 10-13; IC 20-10.1; IC 20-12; IC 22-4; IC 24-3; IC 25-1; noncode.

Synopsis: Creates the office of technology. Creates the office of technology by combining the duties performed by the division of information technology of the department of administration, the information technology oversight commission, and the intelnet commission, including the enhanced data access review committee. Transfers to the new office the duties, rules, personnel, funds, and equipment of the combined entities. Makes conforming changes. Provides that the chief information officer of the office of technology participates in decisions made by the higher education telecommunications system. Repeals the statutes establishing the state information technology oversight commission, the information technology advisory committee, the intelnet commission, a definition of intelnet in the public purchasing law, and a reference to the intelnet commission in the law concerning immunity.

Effective: July 1, 2005.

Murphy

January 4, 2005, read first time and referred to Committee on Technology, Research, and Development.
January 31, 2005, amended, reported — Do Pass.

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February 1, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1137

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 2-5-1.1-12.1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12.1. The legislative
3 council may contract with the ~~intelenet commission established by~~
4 ~~IC 5-21-2-1~~ **office of technology established by IC 4-13.1-2-1** or
5 another public or private person to provide video or audio coverage, or
6 both, over the Internet or another broadcast medium of any of the
7 following:
8 (1) Sessions of the general assembly.
9 (2) Other legislative activities authorized by the legislative
10 council.
11 SECTION 2. IC 4-4-29-6 IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2005]: Sec. 6. The council shall do the
13 following:
14 (1) Assist in developing goals and objectives for the tourism
15 division of the department, including the following:
16 (A) Development of Indiana's agricultural and horticultural
17 base.

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- 1 (B) Job creation and retention in rural Indiana.
- 2 (C) Development of agritourism opportunities to provide
- 3 additional income for Indiana's agricultural and horticultural
- 4 workers.
- 5 (D) Product development, including the creation of outlets for
- 6 the sale of crafts, foods, and other items produced in Indiana.
- 7 (E) Preservation and development of historic rural resources
- 8 in Indiana.
- 9 (F) Local, national, and international direct marketing to
- 10 increase revenue and enhance the viability of agricultural,
- 11 horticultural, and agribusiness operations in Indiana.
- 12 (G) Public education about the impact of agriculture and
- 13 horticulture on a community's quality of life.
- 14 (H) Capital and business assistance for agricultural,
- 15 horticultural, and agribusiness workers to increase the
- 16 viability, sustainability, and growth of agritourism businesses
- 17 and services in Indiana.
- 18 (2) Establish advisory groups to make recommendations to the
- 19 department on tourism research, development, and marketing.
- 20 (3) Analyze the results and effectiveness of grants made by the
- 21 department.
- 22 (4) Build commitment and unity among tourism industry groups.
- 23 (5) Create a forum for sharing talent, resources, and ideas
- 24 regarding tourism.
- 25 (6) Encourage public and private participation necessary for the
- 26 promotion of tourism.
- 27 (7) Promote agritourism in Indiana to national and international
- 28 visitors.
- 29 (8) Sustain the viability and growth of the agritourism industry in
- 30 Indiana.
- 31 (9) Establish and promote an Internet web site that is linked to the
- 32 computer gateway administered by the ~~intelenet~~ **commission**
- 33 ~~under IC 5-21-2 and known as accessIndiana.~~ **office of**
- 34 **technology established by IC 4-13.1-2-1.**
- 35 (10) Create regional agritourism development plans for the twelve
- 36 (12) regional offices of the department.
- 37 (11) Coordinate efforts to educate the public about agritourism
- 38 and Indiana's agricultural heritage and history.
- 39 (12) Provide information concerning funding opportunities,
- 40 including grants, loans, and partnerships, to persons who are
- 41 interested in starting an agritourism business or who operate an
- 42 agritourism business.

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(13) Make recommendations to the department and the general assembly regarding any matter involving agritourism. Recommendations to the general assembly under this subdivision must be reported in an electronic format under IC 5-14-6.

(14) Generate economic vitality and tourism activity for Indiana.

(15) Position Indiana as the recognized agritourism center of the nation.

(16) Make recommendations to the department regarding any matter involving tourism.

SECTION 3. IC 4-5-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The ~~intelenet commission established under IC 5-21-2 or the state enhanced data access review committee under IC 5-21-6~~ **office of technology established by IC 4-13.1-2-1** and the secretary of state shall establish policies and procedures for providing electronic and enhanced access under this chapter to create and maintain uniform policies and procedures for electronic and enhanced access by the public.

SECTION 4. IC 4-5-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. Electronic and enhanced access to information shall be provided through the computer gateway administered by the ~~intelenet commission under IC 5-21-2~~ **office of technology established by IC 4-13.1-2-1**.

SECTION 5. IC 4-13-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. The department shall, subject to this chapter, do the following:

(1) Execute and administer all appropriations as provided by law, and execute and administer all provisions of law that impose duties and functions upon the executive department of government, including executive investigation of state agencies supported by appropriations and the assembly of all required data and information for the use of the executive department and the legislative department.

(2) Supervise and regulate the making of contracts by state agencies.

(3) Perform the property management functions required by IC 4-20.5-6.

(4) Assign office space and storage space for state agencies in the manner provided by IC 4-20.5-5.

(5) Maintain and operate the following for state agencies:

(A) Central duplicating.

(B) Printing.

(C) Machine tabulating.

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(D) Mailing services.

(E) Centrally available supplemental personnel and other essential supporting services.

~~(F) Information services.~~

~~(G) Telecommunication services.~~

The department may require state agencies to use these general services in the interests of economy and efficiency. The general services rotary fund ~~the telephone rotary fund, and the data processing rotary fund~~ **are is** established through which ~~these~~ services may be rendered to state agencies. The budget agency shall determine the amount for ~~each~~ **the general services** rotary fund.

(6) Control and supervise the acquisition, operation, maintenance, and replacement of state owned vehicles by all state agencies. The department may establish and operate, in the interest of economy and efficiency, a motor vehicle pool, and may finance the pool by a rotary fund. The budget agency shall determine the amount to be deposited in the rotary fund.

(7) Promulgate and enforce rules relative to the travel of officers and employees of all state agencies when engaged in the performance of state business. These rules may allow reimbursement for travel expenses by any of the following methods:

(A) Per diem.

(B) For expenses necessarily and actually incurred.

(C) Any combination of the methods in clauses (A) and (B).

The rules must require the approval of the travel by the commissioner and the head of the officer's or employee's department prior to payment.

(8) Administer IC 4-13.6.

(9) Prescribe the amount and form of certified checks, deposits, or bonds to be submitted in connection with bids and contracts when not otherwise provided for by law.

(10) Rent out, with the approval of the governor, any state property, real or personal:

(A) not needed for public use; or

(B) for the purpose of providing services to the state or employees of the state;

the rental of which is not otherwise provided for or prohibited by law. Property may not be rented out under this subdivision for a term exceeding ten (10) years at a time. However, if property is rented out for a term of more than four (4) years, the

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commissioner must make a written determination stating the reasons that it is in the best interests of the state to rent property for the longer term. This subdivision does not include the power to grant or issue permits or leases to explore for or take coal, sand, gravel, stone, gas, oil, or other minerals or substances from or under the bed of any of the navigable waters of the state or other lands owned by the state.

(11) Have charge of all central storerooms, supply rooms, and warehouses established and operated by the state and serving more than one (1) agency.

(12) Enter into contracts and issue orders for printing as provided by IC 4-13-4.1.

(13) Sell or dispose of surplus property under IC 5-22-22, or if advantageous, to exchange or trade in the surplus property toward the purchase of other supplies, materials, or equipment, and to make proper adjustments in the accounts and inventory pertaining to the state agencies concerned.

(14) With respect to power, heating, and lighting plants owned, operated, or maintained by any state agency:

(A) inspect;

(B) regulate their operation; and

(C) recommend improvements to those plants to promote economical and efficient operation.

(15) Administer, determine salaries, and determine other personnel matters of the department of correction ombudsman bureau established by IC 4-13-1.2-3.

SECTION 6. IC 4-13-17-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. As used in this chapter, "Internet purchasing site" means an open and interactive electronic environment that is:

(1) designed to facilitate the purchase and sale of supplies conducted under IC 5-22;

(2) approved and managed by the department; and

(3) linked to the ~~electronic computer~~ gateway administered by the ~~intelenet commission established by IC 5-21-2-1~~. **office of technology established by IC 4-13.1-2-1.**

SECTION 7. IC 4-13-17-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. The department shall provide authorized users and the public with access to Internet purchasing sites by links to the ~~electronic computer~~ gateway administered by the ~~intelenet commission~~. **office of technology established by IC 4-13.1-2-1.**

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SECTION 8. IC 4-13-17-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. The following shall cooperate with the department to implement this chapter:

- (1) The ~~internet commission~~: **office of technology established by IC 4-13.1-2-1.**
- (2) The state board of accounts.
- (3) The attorney general.
- (4) The auditor of state.

SECTION 9. IC 4-13.1 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

ARTICLE 13.1. OFFICE OF TECHNOLOGY

Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Information technology" includes the resources, technologies, and services associated with the fields of:

- (1) information processing;
- (2) office automation; and
- (3) telecommunication facilities and networks.

Sec. 3. "Office" means the office of technology established by IC 4-13.1-2-1.

Sec. 4. (a) "State agency" means an authority, a board, a branch, a commission, a committee, a department, a division, or another instrumentality of the executive, including the administrative, department of state government.

(b) The term does not include:

- (1) the judicial or legislative departments of state government; or
- (2) a state educational institution (as defined in IC 20-12-0.5-1).

Sec. 5. "Telecommunication" means the transmission of any document, picture, datum, sound, or other symbol by television, radio, microwave, optical, or other electromagnetic signal.

Chapter 2. Office of Technology

Sec. 1. The office of technology is established for the following purposes:

- (1) Align the technology infrastructure of the state.
- (2) Stabilize lines of information technology management within government.
- (3) Focus state information technology services to improve service levels to citizens and lower the costs of providing

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information technology services.

(4) Bring the best technology solutions to bear on state technology applications.

(5) Improve and expand government services provided electronically.

(6) Make it easy for the state to do business with the greatest security possible.

Sec. 2. (a) The office shall do the following:

(1) Develop and maintain overall strategy and architecture for the use of information technology in state government.

(2) Review all state agency budget requests and proposed contracts relating to information technology.

(3) Coordinate state information technology master planning.

(4) Maintain an inventory of information technology resources and expenditures.

(5) Manage a computer gateway known as accessIndiana solely to carry out or facilitate the carrying out of the essential public, educational, and governmental functions.

(6) Provide technical staff support services for each state agency in conjunction with the information technology director or other similar knowledgeable person of each state agency.

(7) Provide any service provided by the office, including accessIndiana, with the consent of the chief information officer, upon request to the following:

(A) The judicial department of state government.

(B) The legislative department of state government.

(C) A state educational institution (as defined in IC 20-12-0.5-1).

(D) A political subdivision (as defined in IC 36-1-2-13).

(E) A body corporate and politic created by statute.

(F) An entity created by the state.

(8) Monitor trends and advances in information technology.

(9) Monitor state agency information technology activities.

(10) Develop and maintain policies, procedures, and guidelines for the effective and secure use of information technology in state government.

(11) Develop and maintain guidelines for the hiring of information technology staff in state agencies.

(12) Conduct periodic management reviews of information technology activities within state agencies.

(13) Seek funding for technology services from the following:

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(A) Grants.

(B) Federal sources.

(C) Gifts, donations, and bequests.

(D) Partnerships with other governmental entities or the private sector.

(E) Appropriations.

(F) Any other source of funds.

(14) Establish a reasonable fee for enhanced access to public records and other electronic records, so that user fee revenue from all electronic transactions subject to the fee established under this section is sufficient to develop, maintain, operate, and expand technology services.

(15) Perform other related functions and duties as directed by the chief information officer of the office appointed under section 3 of this chapter.

(b) The office may adopt rules under IC 4-22-2 that are necessary or appropriate in carrying out its powers and duties.

Sec. 3. (a) The governor shall appoint a chief information officer of the office, who serves at the pleasure of the governor.

(b) The chief information officer:

(1) is the executive head of the office;

(2) is responsible for strategic planning and the architecture of all information technology functions of state government; and

(3) shall provide leadership in the areas of:

(A) finance;

(B) procurement;

(C) asset inventory; and

(D) accountability;

for all information technology areas and issues facing state agencies.

Sec 4. (a) For purposes of this section, "council" means the information technology leadership council created by subsection (b).

(b) The information technology leadership council is created to advise the chief information officer appointed under section 3 of this chapter when the chief information officer seeks advice.

(c) The council consists of the following members:

(1) The chief information officer of the office, who shall serve as chairperson of the council.

(2) A member of the attorney general's staff to be appointed by the attorney general.

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(3) A member of the auditor's staff to be appointed by the auditor.

(4) The director of the budget agency or the director's designee.

(5) The commissioner of the department of administration or the commissioner's designee.

(6) The state superintendent of public instruction or the superintendent's designee.

(d) The council shall meet at the call of the chairperson.

Sec. 5. (a) State agencies shall use information technology services provided by the office.

(b) State agencies shall submit all information technology related budget requests to the office. Requests submitted under this subsection:

(1) shall be reviewed by; and

(2) are subject to the approval of;

the office before submission to the budget agency in preparation of requests for appropriations.

(c) State agencies shall submit all information technology related proposed contracts to the office. Contracts submitted under this subsection:

(1) shall be reviewed by; and

(2) are subject to the approval of;

the office. The requirements of this subsection are in addition to the rules adopted by the department of administration. The department of administration may not adopt a procurement rule that is duplicative or inconsistent with rules adopted by the office.

(d) State agencies shall submit all other information technology related requests to the office. Requests submitted under this subsection:

(1) shall be reviewed by; and

(2) are subject to the approval of;

the office.

(e) The office may not approve a request or contract submitted under this section unless the request or contract complies with the accessibility standards developed under IC 4-13.1-3.

Sec. 6. (a) The office may require the director of information technology services or another knowledgeable individual employed by a state agency to advise and assist the office in carrying out the functions of the office.

(b) State agencies shall consult with the office concerning hiring information technology directors and staff.

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(c) At the request of the office, a state agency shall submit an information technology resource inventory to the office, including all information technology hardware, software, technical personnel, and information technology contracts.

Sec. 7. (a) The office may establish one (1) or more rotary funds necessary to perform the functions of the office.

(b) The budget agency shall determine the amount of funding for a rotary fund established under subsection (a).

Chapter 3. Accessibility Standards

Sec. 1. (a) The office shall develop standards that are compatible with principles and goals contained in the electronic and information technology accessibility standards adopted by the architectural and transportation barriers compliance board under Section 508 of the federal Rehabilitation Act of 1973 (29 U.S.C. 794d), as amended. The office shall adopt rules under IC 4-22-2 concerning the standards developed under this section. The standards must conform with the requirements of Section 508 of the federal Rehabilitation Act of 1973 (29 U.S.C. 794d), as amended.

(b) If a state agency cannot comply with the information technology accessibility standards within a reasonable time without undue burden, the state agency shall submit a plan to the office, including the proposed time for later compliance with the standards. A plan submitted under this subsection must provide alternative means for accessibility during the period when the plan will be in effect.

(c) Notwithstanding any other law, the standards developed under subsection (a) apply to the executive, legislative, judicial, and administrative branches of state and local government.

SECTION 10. IC 4-13.6-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) This section applies only to public works contracts bid under section 2 of this chapter.

(b) The division shall solicit sealed bids by public notice inserted once each week for two (2) successive weeks before the final date of submitting bids in:

(1) one (1) newspaper of general circulation in Marion County, Indiana; and

(2) if any part of the project is located in an area outside Marion County, Indiana, one (1) newspaper of general circulation in that area.

The commissioner shall designate the newspapers for these

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1 publications. The commissioner may designate different newspapers
 2 according to the nature of the project and may direct that additional
 3 notices be published.

4 (c) The division shall also solicit sealed bids for public works
 5 projects by:

6 (1) sending notices by mail to prospective contractors known to
 7 the division;

8 (2) posting notices on a public bulletin board in its office; and

9 (3) providing electronic access to notices through the computer
 10 gateway administered by the ~~intelenet commission under~~
 11 ~~IC 5-21-2~~; **office of technology established by IC 4-13.1-2-1**;
 12 at least seven (7) days before the final date for submitting bids for the
 13 public works project.

14 SECTION 11. IC 4-34-3-4 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. Money in the fund
 16 shall be allocated annually to the ~~intelenet commission (IC 5-21-2-1)~~
 17 **office of technology established by IC 4-13.1-2-1** to make matching
 18 grants to school corporations or to make payments directly to vendors
 19 for Internet connections and related equipment for a school
 20 corporation. The ~~intelenet commission~~ **office of technology** shall
 21 develop a plan to implement grants under this section. The budget
 22 committee shall review the plan. The budget agency must approve of
 23 the plan.

24 SECTION 12. IC 5-2-6-3.5 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3.5. (a) The sex and
 26 violent offender directory established under section 3 of this chapter
 27 must include the names of each offender who is or has been required
 28 to register under IC 5-2-12.

29 (b) The institute shall do the following:

30 (1) Update the directory at least one (1) time every six (6) months.

31 (2) Publish the directory on the Internet through the computer
 32 gateway administered by the ~~intelenet commission under~~
 33 ~~IC 5-21-2~~ and known as ~~Access Indiana~~; **office of technology**
 34 **established by IC 4-13.1-2-1**.

35 (3) Make the directory available on a computer disk and, at least
 36 one (1) time every six (6) months, send a copy of the computer
 37 disk to the following:

38 (A) All school corporations (as defined in IC 20-1-6-1).

39 (B) All nonpublic schools (as defined in IC 20-10.1-1-3).

40 (C) All state agencies that license individuals who work with
 41 children.

42 (D) The state personnel department to screen individuals who

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may be hired to work with children.

(E) All child care facilities licensed by or registered in the state.

(F) Other entities that:

(i) provide services to children; and

(ii) request the directory.

(4) Maintain a hyperlink on the institute's computer web site that permits users to connect to the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5.

(5) Make a paper copy of the directory available upon request.

(c) A copy of the directory:

(1) provided to a child care facility under subsection (b)(3)(E);

(2) provided to another entity that provides services to children under subsection (b)(3)(F); or

(3) that is published on the Internet under subsection (b)(2);

must include the home address of an offender whose name appears in the directory.

(d) When the institute publishes on the Internet or distributes a copy of the directory under subsection (b), the institute shall include a notice using the following or similar language:

"Based on information submitted to the criminal justice institute, a person whose name appears in this directory has been convicted of a sex offense or a violent offense or has been adjudicated a delinquent child for an act that would be a sex offense or violent offense if committed by an adult."

SECTION 13. IC 5-3-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) In all cases where notices are required by law to be published in the public newspaper by or under the supervision of any state officer, board, commission, or institution of the state of Indiana, said notices are hereby required to be published in each of two (2) daily newspapers published in the city of Indianapolis and in such other cities as is required by law, said notices to be in all cases published in two (2) newspapers in each city where they are required to be published. In all cases where the officer, board, commission, or institution making said publication is located outside of the city of Indianapolis, said notices shall also be published in newspapers published within the county where said officer, board, commission, or institution maintains its office. The rate charged for all such notices and advertising shall be the same as is set out in section 1 of this chapter.

(b) In addition to the requirements of subsection (a), a state officer, board, commission, or institution of the state of Indiana that is required

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1 by law to publish a notice of a public meeting shall also provide
 2 electronic access to the notice through the computer gateway
 3 administered by the ~~intelenet commission under IC 5-21-2~~ **office of**
 4 **technology established by IC 4-13.1-2-1.**

5 SECTION 14. IC 5-14-1.5-5 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) Public notice of
 7 the date, time, and place of any meetings, executive sessions, or of any
 8 rescheduled or reconvened meeting, shall be given at least forty-eight
 9 (48) hours (excluding Saturdays, Sundays, and legal holidays) before
 10 the meeting. This requirement does not apply to reconvened meetings
 11 (not including executive sessions) where announcement of the date,
 12 time, and place of the reconvened meeting is made at the original
 13 meeting and recorded in the memoranda and minutes thereof, and there
 14 is no change in the agenda.

15 (b) Public notice shall be given by the governing body of a public
 16 agency by:

17 (1) posting a copy of the notice at the principal office of the
 18 public agency holding the meeting or, if no such office exists, at
 19 the building where the meeting is to be held; and

20 (2) delivering notice to all news media which deliver by January
 21 1 an annual written request for such notices for the next
 22 succeeding calendar year to the governing body of the public
 23 agency. The governing body shall give notice by one (1) of the
 24 following methods:

25 (A) Depositing the notice in the United States mail with
 26 postage prepaid.

27 (B) Transmitting the notice by electronic mail.

28 (C) Transmitting the notice by facsimile (fax).

29 If a governing body comes into existence after January 1, it shall
 30 comply with this subdivision upon receipt of a written request for
 31 notice.

32 In addition, a state agency (as defined in IC 4-13-1-1) shall provide
 33 electronic access to the notice through the computer gateway
 34 administered by the ~~intelenet commission under IC 5-21-2~~ **office of**
 35 **technology established by IC 4-13.1-2-1.**

36 (c) Notice of regular meetings need be given only once each year,
 37 except that an additional notice shall be given where the date, time, or
 38 place of a regular meeting or meetings is changed. This subsection does
 39 not apply to executive sessions.

40 (d) If a meeting is called to deal with an emergency involving actual
 41 or threatened injury to person or property, or actual or threatened
 42 disruption of the governmental activity under the jurisdiction of the

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public agency by any event, then the time requirements of notice under this section shall not apply, but:

(1) news media which have requested notice of meetings must be given the same notice as is given to the members of the governing body; and

(2) the public must be notified by posting a copy of the notice according to this section.

(e) This section shall not apply where notice by publication is required by statute, ordinance, rule, or regulation.

(f) This section shall not apply to:

(1) the department of local government finance, the Indiana board of tax review, or any other governing body which meets in continuous session, except that this section applies to meetings of these governing bodies which are required by or held pursuant to statute, ordinance, rule, or regulation; or

(2) the executive of a county or the legislative body of a town if the meetings are held solely to receive information or recommendations in order to carry out administrative functions, to carry out administrative functions, or confer with staff members on matters relating to the internal management of the unit. "Administrative functions" do not include the awarding of contracts, the entering into contracts, or any other action creating an obligation or otherwise binding a county or town.

(g) This section does not apply to the general assembly.

(h) Notice has not been given in accordance with this section if a governing body of a public agency convenes a meeting at a time so unreasonably departing from the time stated in its public notice that the public is misled or substantially deprived of the opportunity to attend, observe, and record the meeting.

SECTION 15. IC 5-14-3-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3.5. (a) As used in this section, "state agency" has the meaning set forth in IC 4-13-1-1. The term does not include the office of the following elected state officials:

(1) Secretary of state.

(2) Auditor.

(3) Treasurer.

(4) Attorney general.

(5) Superintendent of public instruction.

However, each state office described in subdivisions (1) through (5) and the judicial department of state government may use the computer gateway administered by the ~~intelenet commission established under IC 5-21-2~~, office of technology established by IC 4-13.1-2-1, subject

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1 to the requirements of this section.

2 (b) As an additional means of inspecting and copying public
3 records, a state agency may provide enhanced access to public records
4 maintained by the state agency.

5 (c) If the state agency has entered into a contract with a third party
6 under which the state agency provides enhanced access to the person
7 through the third party's computer gateway or otherwise, all of the
8 following apply to the contract:

9 (1) The contract between the state agency and the third party must
10 provide for the protection of public records in accordance with
11 subsection (d).

12 (2) The contract between the state agency and the third party may
13 provide for the payment of a reasonable fee to the state agency by
14 either:

15 (A) the third party; or

16 (B) the person.

17 (d) A contract required by this section must provide that the person
18 and the third party will not engage in the following:

19 (1) Unauthorized enhanced access to public records.

20 (2) Unauthorized alteration of public records.

21 (3) Disclosure of confidential public records.

22 (e) A state agency shall provide enhanced access to public records
23 only through the computer gateway administered by the ~~internet~~
24 ~~commission established under IC 5-21-2; except as permitted by the~~
25 ~~data process oversight commission established under IC 4-23-16-1.~~
26 **office of technology.**

27 SECTION 16. IC 5-14-3-3.6 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3.6. (a) As used in this
29 section "public agency" does not include a state agency (as defined in
30 section 3.5(a) of this chapter).

31 (b) As an additional means of inspecting and copying public
32 records, a public agency may provide enhanced access to public
33 records maintained by the public agency.

34 (c) A public agency may provide a person with enhanced access to
35 public records if any of the following apply:

36 (1) The public agency provides enhanced access to the person
37 through its own computer gateway and provides for the protection
38 of public records under subsection (d).

39 (2) The public agency has entered into a contract with a third
40 party under which the public agency provides enhanced access to
41 the person through the third party's computer gateway or
42 otherwise, and the contract between the public agency and the

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third party provides for the protection of public records in accordance with subsection (d).

(d) A contract entered into under this section and any other provision of enhanced access must provide that the third party and the person will not engage in the following:

- (1) Unauthorized enhanced access to public records.
- (2) Unauthorized alteration of public records.
- (3) Disclosure of confidential public records.

(e) A contract entered into under this section or any provision of enhanced access may require the payment of a reasonable fee to either the third party to a contract or to the public agency, or both, from the person.

(f) A public agency may provide enhanced access to public records through the computer gateway administered by the ~~internet commission established under IC 5-21-2~~ **office of technology established by IC 4-13.1-2-1**.

SECTION 17. IC 5-15-5.1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) Subject to approval by the oversight committee on public records created by section 18 of this chapter, the commission shall do the following:

- (1) Establish a forms management program for state government and approve the design, typography, format, logo, data sequence, form analysis, form number, and agency file specifications of each form.
- (2) Establish a central state form numbering system and a central cross index filing system of all state forms, and standardize, consolidate, and eliminate, wherever possible, forms used by state government.
- (3) Approve, provide, and in the manner prescribed by IC 5-22, purchase photo-ready copy for all forms.
- (4) Establish a statewide records management program, prescribing the standards and procedures for record making and record keeping. However, the investigative and criminal history records of the state police department are exempted from this requirement.
- (5) Coordinate utilization of all micrographics equipment in state government.
- (6) Assist the Indiana department of administration in coordinating utilization of all duplicating and printing equipment in the executive and administrative branches.
- (7) Advise the Indiana department of administration with respect to the purchase of all records storage equipment.

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(8) Establish and operate a distribution center for the receipt, storage, and distribution of all material printed for an agency.

(9) Establish and operate a statewide archival program to be called the Indiana state archives for the permanent government records of the state, provide consultant services for archival programs, conduct surveys, and provide training for records coordinators.

(10) Establish and operate a statewide record preservation laboratory.

(11) Prepare, develop, and implement record retention schedules.

(12) Establish and operate a central records center to be called the Indiana state records center, which shall accept all records transferred to it, provide secure storage and reference service for the same, and submit written notice to the applicable agency of intended destruction of records in accordance with approved retention schedules.

(13) Demand, from any person or organization or body who has illegal possession of original state or local government records, those records, which shall be delivered to the commission.

(14) Have the authority to examine all forms and records housed or possessed by state agencies for the purpose of fulfilling the provisions of this chapter.

(15) In coordination with the ~~data processing oversight commission created under IC 4-23-16,~~ **office of technology established by IC 4-13.1-2-1**, establish standards to ensure the preservation of adequate and permanent computerized and auxiliary automated information records of the agencies of state government.

(16) Notwithstanding IC 5-14-3-8, establish a schedule of fees for services provided to patrons of the Indiana state archives. A copying fee established under this subdivision may exceed the copying fee set forth in IC 5-14-3-8(c).

(b) In implementing a forms management program, the commission shall follow procedures and forms prescribed by the federal government.

(c) Fees collected under subsection (a)(16) shall be deposited in the state archives preservation and reproduction account established by section 5.3 of this chapter.

SECTION 18. IC 5-15-5.1-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 18. (a) The oversight committee on public records consists ex officio of:

(1) the governor or ~~his~~ **the governor's** designee;

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- 1 (2) the secretary of state or ~~his~~ **the secretary's** designee;
 2 (3) the state examiner of the state board of accounts or ~~his~~ **the**
 3 **state examiner's** designee;
 4 (4) the director of the state library;
 5 (5) the director of the historical bureau;
 6 (6) the director of the commission on public records;
 7 (7) the commissioner of the department of administration or ~~his~~
 8 **the commissioner's** designee;
 9 (8) the public access counselor; and
 10 (9) the ~~executive director of the data processing oversight~~
 11 **commission chief information officer of the office of**
 12 **technology appointed under IC 4-13.1-2-3** or the ~~executive~~
 13 **director's chief information officer's** designee.

14 (b) The oversight committee also consists of two (2) lay members
 15 appointed by the governor for a term of four (4) years. One (1) lay
 16 member shall be a professional journalist or be a member of an
 17 association related to journalism.

18 (c) The oversight committee shall elect one (1) of its members to be
 19 chairman. The director of the commission on public records shall be
 20 the secretary of the committee. The ex officio members of the oversight
 21 committee shall serve without compensation and shall receive no
 22 reimbursement for any expense which they may incur. Each lay
 23 member is entitled to reimbursement for traveling and other expenses
 24 as provided in the state travel policies and procedures, established by
 25 the department of administration and approved by the ~~state~~ budget
 26 agency and each lay member is entitled to the minimum salary per
 27 diem as provided in IC 4-10-11-2.1(b).

28 SECTION 19. IC 5-22-2-13.2 IS ADDED TO THE INDIANA
 29 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2005]: **Sec. 13.2. "Office of technology"**
 31 **refers to the office of technology established by IC 4-13.1-2-1.**

32 SECTION 20. IC 5-22-7-5 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The purchasing
 34 agency shall give notice of the invitation for bids in the manner
 35 required by IC 5-3-1.

36 (b) The purchasing agency for a state agency shall also provide
 37 electronic access to the notice through the ~~electronic computer~~
 38 gateway administered by the ~~internet commission~~ **office of**
 39 **technology.**

40 (c) The purchasing agency for a political subdivision may also
 41 provide electronic access to the notice through:

- 42 (1) the ~~electronic computer~~ gateway administered by the

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1 ~~intelenet commission as determined by the commission;~~ **office of**
 2 **technology;** or

3 (2) any other electronic means available to the political
 4 subdivision.

5 SECTION 21. IC 5-22-9-3 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The purchasing
 7 agency shall give public notice of the request for proposals in the
 8 manner required by IC 5-3-1.

9 (b) The purchasing agency for a state agency shall also provide
 10 electronic access to the notice through the ~~electronic computer~~
 11 gateway administered by the ~~intelenet commission;~~ **office of**
 12 **technology.**

13 (c) The purchasing agency for a political subdivision may also
 14 provide electronic access to the notice through the electronic gateway
 15 administered by the ~~intelenet commission as determined by the~~
 16 ~~commission;~~ **office of technology.**

17 SECTION 22. IC 5-27-1-1 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. This article applies
 19 to a governmental body that conducts a transaction through the
 20 computer gateway administered by the ~~intelenet commission;~~ **office of**
 21 **technology established by IC 4-13.1-2-1.**

22 SECTION 23. IC 5-27-3-1 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. A governmental
 24 body may accept electronic payment for a service, a tax, a license, a
 25 permit, a fee, information, or any other amount due the governmental
 26 body for a transaction conducted through the computer gateway
 27 administered by the ~~intelenet commission;~~ **office of technology**
 28 **established by IC 4-13.1-2-1.**

29 SECTION 24. IC 5-27-3-2 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) A governmental
 31 body may enter into a contract with a provider company to enable the
 32 governmental body to accept an electronic payment.

33 (b) A governmental body must use the provider company provided
 34 or specified by the ~~network manager established by the intelenet~~
 35 ~~commission under IC 5-21-2-2(e);~~ **office of technology established by**
 36 **IC 4-13.1-2-1** to accept an electronic payment submitted to the
 37 governmental body as payment for a fee based service, license, or
 38 permit or for fee based information obtained through electronic access.

39 SECTION 25. IC 6-8.1-3-16 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. (a) The department
 41 shall prepare a list of all outstanding tax warrants for listed taxes each
 42 month. The list shall identify each taxpayer liable for a warrant by

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1 name, address, amount of tax, and either Social Security number or
 2 employer identification number. Unless the department renews the
 3 warrant, the department shall exclude from the list a warrant issued
 4 more than ten (10) years before the date of the list. The department
 5 shall certify a copy of the list to the bureau of motor vehicles.

6 (b) The department shall prescribe and furnish tax release forms for
 7 use by tax collecting officials. A tax collecting official who collects
 8 taxes in satisfaction of an outstanding warrant shall issue to the
 9 taxpayers named on the warrant a tax release stating that the tax has
 10 been paid. The department may also issue a tax release:

11 (1) to a taxpayer who has made arrangements satisfactory to the
 12 department for the payment of the tax; or

13 (2) by action of the commissioner under IC 6-8.1-8-2(k).

14 (c) The department may not issue or renew:

15 (1) a certificate under IC 6-2.5-8;

16 (2) a license under IC 6-6-1.1 or IC 6-6-2.5; or

17 (3) a permit under IC 6-6-4.1;

18 to a taxpayer whose name appears on the most recent monthly warrant
 19 list, unless that taxpayer pays the tax, makes arrangements satisfactory
 20 to the department for the payment of the tax, or a release is issued
 21 under IC 6-8.1-8-2(k).

22 (d) The bureau of motor vehicles shall, before issuing the title to a
 23 motor vehicle under IC 9-17, determine whether the purchaser's or
 24 assignee's name is on the most recent monthly warrant list. If the
 25 purchaser's or assignee's name is on the list, the bureau shall enter as
 26 a lien on the title the name of the state as the lienholder unless the
 27 bureau has received notice from the commissioner under
 28 IC 6-8.1-8-2(k). The tax lien on the title:

29 (1) is subordinate to a perfected security interest (as defined and
 30 perfected in accordance with IC 26-1-9.1); and

31 (2) shall otherwise be treated in the same manner as other title
 32 liens.

33 (e) The commissioner is the custodian of all titles for which the state
 34 is the sole lienholder under this section. Upon receipt of the title by the
 35 department, the commissioner shall notify the owner of the
 36 department's receipt of the title.

37 (f) The department shall reimburse the bureau of motor vehicles for
 38 all costs incurred in carrying out this section.

39 (g) Notwithstanding IC 6-8.1-8, a person who is authorized to
 40 collect taxes, interest, or penalties on behalf of the department under
 41 IC 6-3 or IC 6-3.5 may not, except as provided in subsection (h) or (i),
 42 receive a fee for collecting the taxes, interest, or penalties if:

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(1) the taxpayer pays the taxes, interest, or penalties as consideration for the release of a lien placed under subsection (d) on a motor vehicle title; or

(2) the taxpayer has been denied a certificate or license under subsection (c) within sixty (60) days before the date the taxes, interest, or penalties are collected.

(h) In the case of a sheriff, subsection (g) does not apply if:

(1) the sheriff collects the taxes, interest, or penalties within sixty (60) days after the date the sheriff receives the tax warrant; or

(2) the sheriff collects the taxes, interest, or penalties through the sale or redemption, in a court proceeding, of a motor vehicle that has a lien placed on its title under subsection (d).

(i) In the case of a person other than a sheriff:

(1) subsection (g)(2) does not apply if the person collects the taxes, interests, or penalties within sixty (60) days after the date the commissioner employs the person to make the collection; and

(2) subsection (g)(1) does not apply if the person collects the taxes, interest, or penalties through the sale or redemption, in a court proceeding, of a motor vehicle that has a lien placed on its title under subsection (d).

(j) IC 5-14-3-4, IC 6-8.1-7-1, and any other law exempting information from disclosure by the department does not apply to this subsection. From the list prepared under subsection (a), the department shall compile each month a list of the taxpayers subject to tax warrants that:

(1) were issued at least twenty-four (24) months before the date of the list; and

(2) are for amounts that exceed one thousand dollars (\$1,000).

The list compiled under this subsection must identify each taxpayer liable for a warrant by name, address, and amount of tax. The department shall publish the list compiled under this subsection on accessIndiana (as ~~defined in IC 5-21-1-1.5~~) **operated under IC 4-13.1-4**) and make the list available for public inspection and copying under IC 5-14-3. The department or an agent, employee, or officer of the department is immune from liability for the publication of information under this subsection.

(k) The department may not publish a list under subsection (j) that identifies a particular taxpayer unless at least two (2) weeks before the publication of the list the department sends notice to the taxpayer stating that the taxpayer:

(1) is subject to a tax warrant that:

(A) was issued at least twenty-four (24) months before the date

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- 1 of the notice; and
 2 (B) is for an amount that exceeds one thousand dollars
 3 (\$1,000); and
 4 (2) will be identified on a list to be published on accessIndiana
 5 unless a tax release is issued to the taxpayer under subsection (b).
 6 (l) The department may not publish a list under subsection (j) after
 7 June 30, 2006.

8 SECTION 26. IC 10-13-3-36 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 36. (a) The department
 10 may not charge a fee for responding to a request for the release of a
 11 limited criminal history record if the request is made by a nonprofit
 12 organization:

- 13 (1) that has been in existence for at least ten (10) years; and
 14 (2) that:
 15 (A) has a primary purpose of providing an individual
 16 relationship for a child with an adult volunteer if the request
 17 is made as part of a background investigation of a prospective
 18 adult volunteer for the organization;
 19 (B) is a home health agency licensed under IC 16-27-1;
 20 (C) is a community mental retardation and other
 21 developmental disabilities center (as defined in IC 12-7-2-39);
 22 (D) is a supervised group living facility licensed under
 23 IC 12-28-5;
 24 (E) is an area agency on aging designated under IC 12-10-1;
 25 (F) is a community action agency (as defined in
 26 IC 12-14-23-2);
 27 (G) is the owner or operator of a hospice program licensed
 28 under IC 16-25-3; or
 29 (H) is a community mental health center (as defined in
 30 IC 12-7-2-38).

31 (b) Except as provided in subsection (d), the department may not
 32 charge a fee for responding to a request for the release of a limited
 33 criminal history record made by the division of family and children or
 34 a county office of family and children if the request is made as part of
 35 a background investigation of an applicant for a license under
 36 IC 12-17.2 or IC 12-17.4.

37 (c) The department may not charge a fee for responding to a request
 38 for the release of a limited criminal history if the request is made by a
 39 school corporation, special education cooperative, or nonpublic school
 40 (as defined in IC 20-10.1-1-3) as part of a background investigation of
 41 an employee or adult volunteer for the school corporation, special
 42 education cooperative, or nonpublic school.

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(d) As used in this subsection, "state agency" means an authority, a board, a branch, a commission, a committee, a department, a division, or another instrumentality of state government, including the executive and judicial branches of state government, the principal secretary of the senate, the principal clerk of the house of representatives, the executive director of the legislative services agency, a state elected official's office, or a body corporate and politic, but does not include a state educational institution (as defined in IC 20-12-0.5-1). The department may not charge a fee for responding to a request for the release of a limited criminal history if the request is made:

(1) by a state agency; and

(2) through the computer gateway that is administered by the ~~intelenet commission under IC 5-21-2 and known as accessIndiana~~; **office of technology established by IC 4-13.1-2-1.**

(e) The department may not charge a fee for responding to a request for the release of a limited criminal history record made by the health professions bureau established by IC 25-1-5-3 if the request is:

(1) made through the computer gateway that is administered by the ~~intelenet commission under IC 5-21-2 and known as accessIndiana~~; **office of technology**; and

(2) part of a background investigation of a practitioner or an individual who has applied for a license issued by a board (as defined in IC 25-1-9-1).

SECTION 27. IC 20-10.1-25-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The educational technology program and fund is established for the purpose of providing and extending educational technologies to elementary and secondary schools for:

(1) the 4R's technology grant program to assist school corporations (on behalf of public schools) in purchasing technology equipment:

(A) for kindergarten and grade 1 students, to learn reading, writing, and arithmetic using technology;

(B) for students in all grades, to understand that technology is a tool for learning; and

(C) for students in kindergarten through grade 3 who have been identified as needing remediation, to offer daily remediation opportunities using technology to prevent those students from failing to make appropriate progress at the particular grade level;

(2) providing educational technologies, including computers in

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the homes of students;

(3) conducting educational technology training for teachers; and

(4) other innovative educational technology programs.

(b) The department may also utilize money in the fund under contracts entered into with the ~~Indiana department of administration and the state data processing oversight commission office of technology established by IC 4-13.1-2-1~~ to study the feasibility of establishing an information telecommunications gateway that provides access to information on employment opportunities, career development, and instructional services from data bases operated by the state among the following:

(1) Elementary and secondary schools.

(2) Institutions of higher learning.

(3) Vocational educational institutions.

(4) Libraries.

(5) Any other agencies offering education and training programs.

(c) The fund consists of:

(1) state appropriations;

(2) private donations to the fund;

(3) money directed to the fund from the corporation for educational technology under IC 20-10.1-25.1; or

(4) any combination of the amounts described in subdivisions (1) through (3).

(d) The program and fund shall be administered by the department.

(e) Unexpended money appropriated to or otherwise available in the fund for the department's use in implementing the program under this chapter at the end of a state fiscal year does not revert to the state general fund but remains available to the department for use under this chapter.

(f) Subject to section 1.2 of this chapter, a school corporation may use money from the school corporation's capital projects fund as permitted under IC 21-2-15-4 for educational technology equipment.

SECTION 28. IC 20-10.1-25.6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. As used in this chapter, "telecommunications services and equipment" includes all telecommunication services and equipment eligible for universal service fund discounts as described:

(1) in the federal Telecommunications Act of 1996 (P.L.104-104, 110 Stat. 56 (1996)) and applicable regulations or orders issued under that act;

(2) by the Indiana utility regulatory commission as allowed under the federal act; or

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(3) in the ~~internet commission~~ **office of technology established by IC 4-13.1-2-1** or state library technology grant programs.

SECTION 29. IC 20-10.1-25.6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. The ~~internet commission~~, **office of technology established by IC 4-13.1-2-1**, with the department of education and the state library, shall coordinate available federal and state funds and funding mechanisms to accomplish full access to telecommunications services and equipment by all schools, libraries, and rural health care providers as defined in:

(1) the federal Telecommunications Act of 1996 (P.L.104-104, 110 Stat. 56 (1996)) and regulations or orders issued under that act; or

(2) any regulations or orders issued by the Indiana utility regulatory commission in fulfillment of the state's obligations under the act.

SECTION 30. IC 20-12-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. **(a) As used in this chapter, "electronic format" means a format using the most appropriate technological medium.**

(b) As used in this chapter:

(1) "chief information officer" means the chief information officer of the office of technology appointed under IC 4-13.1-2-3; and

(2) "office of technology" refers to the office of technology established by IC 4-13.1-2-1.

~~(a)~~ **(c)** The trustees of Indiana University, the trustees of Purdue University, the University of Southern Indiana board of trustees, Ball State University board of trustees, Indiana State University board of trustees, the board of trustees of Vincennes University, the board of trustees of Ivy Tech State College, and the board of directors of the independent colleges and universities of Indiana (referred to collectively in this chapter as the universities) are authorized, if they find the need exists for a broad dissemination of a wide variety of educational communications for the improvements and the advancement of higher educational opportunity, to jointly arrange from time to time, for a period not exceeding ten (10) years, for ~~internet services under IC 5-21~~ **services provided by the office of technology** and for the use of a multipurpose, multimedia, closed circuit, statewide telecommunications system furnished by communications common carriers subject to the jurisdiction of the utility regulatory commission to interconnect the main campuses and the regional campuses of the universities and centers of medical education and service.

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(b) (d) In addition to the closed circuit statewide telecommunications system described in subsection (a); (c), the universities shall establish, in accordance with federal copyright law, ~~a videotape program~~ **programs in an electronic format** to provide for the advancement of higher education opportunity and individualized access to higher education programs. As part of the program, the universities may make available a wide variety of higher education courses in ~~videotape form~~ **electronic format**. The universities shall make ~~the videotapes~~ **information in an electronic format** available to the public by any means of public or private distribution that they determine to be appropriate, including sale or lease. The universities may determine policy and establish procedures in order to administer this program. The universities shall maintain and keep current a listing of all ~~videotapes~~ **information in an electronic format**.

(c) (e) The transmission system shall be for the exclusive use of the universities. However, the universities may permit the use of the transmission system, or any ~~portion~~ **part** of the transmission system, by others under section 4 of this chapter.

SECTION 31. IC 20-12-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The transmission system described in ~~section 1(a)~~ **section 1(c)** of this chapter must be designed to permit the installation of additional capacity and coverage as accumulating communication needs of higher education may require. The system must be capable of transmitting high fidelity television signals, high fidelity sound signals, data signals for computer communications, and voice traffic, and must include control circuits.

(b) The arrangements for the use of the system may be upon terms and conditions as the universities determine are necessary, proper, or desirable.

(c) No plan or arrangements for the use of the telecommunications system may be adopted or entered into under this chapter without the specific approval of the ~~governor; the state budget committee; and the state budget agency~~ **office of technology**.

SECTION 32. IC 20-12-12-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The universities shall establish a coordinating unit or other body composed of persons that the universities select. **The chief information officer or the chief information officer's designee shall be a member of any coordinating unit created under this section.** This committee or other body has the authority to administer and supervise the use of the transmission system and the ~~videotape program~~ **information in electronic format** described in section 1 of this chapter as may be from

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time to time delegated to it by the universities. The universities shall have equal representation on the coordinating unit or body.

(b) There must also be an advisory council of representatives of users of the transmission system, **which must include the chief information officer or the chief information officer's designee.**

SECTION 33. IC 20-12-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) Any arrangements for the use of the telecommunications system or the ~~videotape program~~ **information in electronic format** described in section 1 of this chapter must provide that the universities, or any committee or other body established under section 3 of this chapter (if the power is so delegated to them), may permit any of the following entities to use the telecommunications system or the ~~videotape program~~ **information in electronic format** for educational purposes:

- (1) Institutions of higher education.
- (2) Governmental or public corporations or bodies.
- (3) Other corporations.
- (4) Partnerships.
- (5) Associations.
- (6) Trusts.
- (7) Limited liability companies.
- (8) Other persons.

(b) Any use for any entity other than an entity in subsection (a)(1) and (a)(2) may be permitted only if there is a finding by a coordinating unit or body established under section 3 of this chapter that determines that no other provider of the services is available or that using another provider would create an undue hardship on the user.

~~(b)~~ (c) Any use permitted under this section is subject to the rules, regulations, fees, and charges as the universities, committee, or other body may prescribe.

~~(c)~~ (d) Each entity that uses the transmission system is responsible for the origination of the program to be transmitted by that entity and for the reception and utilization of the program at the destination.

~~(d)~~ (e) The payment of all costs in excess of the cost of the use of the transmission system facilities and the ~~videotape program~~ **information in electronic format** shall be borne by the parties using the system as agreed upon.

SECTION 34. IC 20-12-12-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) In connection with the use of the telecommunications system, the ~~videotape program~~ **information in electronic format** described in section 1 of this

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chapter, or any other related matter, the universities may accept gifts or contributions from individuals, corporations, limited liability companies, partnerships, associations, trusts, or foundations and may accept funds under terms and conditions that the universities determine are necessary or desirable from any federal agency.

(b) The universities may enter into and carry out contracts and agreements in connection with this chapter. **All contracts and agreements entered into must be approved by the coordinating unit established by section 3(a) of this chapter.**

SECTION 35. IC 20-12-12-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) A special and distinct fund is hereby created to be known as the higher education statewide telecommunications fund. Expenditures from the fund may be made only for the following:

(1) Payments by the universities for the use of a telecommunications system or the lease, purchase, rental, or production of ~~a videotape program~~ **information in an electronic format** as provided in this chapter.

(2) Studies regarding the possibilities of extending the use of the telecommunications system described in ~~section 1(a)~~ **section 1(c)** of this chapter to other colleges and universities in Indiana and of extending the use of the system for post-high school and other educational uses.

(3) The expenses of coordinating, planning, and supervising the use of the telecommunications system, and the ~~videotape program~~ **information in electronic format.**

(4) Equipment for the originating and receiving of instructional communication and educational information by means of the telecommunications system and the ~~videotape program~~ **information in electronic format.**

(b) The state auditor shall pay, as needed, from the fund amounts to the trustees of Indiana University as agent for the universities. The trustees of Indiana University as the agent shall apply the funds to the payment of items as payment becomes due from the higher education statewide telecommunications fund.

SECTION 36. IC 22-4-19-6.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.5. (a) The department may make available through the enhanced electronic access system established by the ~~internet commission under IC 5-21~~ **office of technology established by IC 4-13.1-2-1** secure electronic access for creditors to employer provided information on the amount of wages paid by an employer to an employee.

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(b) The enhanced electronic access system established by the ~~intelenet commission under IC 5-21~~ **office of technology** may enter into a contract with one (1) or more private entities to allow private entities to provide secure electronic access to employer provided information held by the department on the amount of wages paid by an employer to an employee.

(c) A creditor may obtain wage report information from a private entity if the creditor first obtains written consent from the employee whose information the creditor seeks to obtain. A creditor that has entered into a contract with the enhanced electronic access system must retain a written consent received under this section for at least three (3) years or for the length of the loan if the loan is for less than three (3) years.

(d) Written consent from the employee must include the following:

- (1) A statement that the written consent is the authorization for the creditor to obtain information on the employee's employment and wage history.
- (2) A statement that the information is obtained solely for the purpose of reviewing a specific application for credit.
- (3) Notification that state agency files containing employment and wage history will be accessed to provide the information.
- (4) A listing of all parties that will receive the information obtained.

(e) Information under this section may only be released to a creditor for the purpose of satisfying the standard underwriting requirements of the creditor or a client of the creditor for one (1) credit transaction per employee written consent.

(f) The costs of implementing and administering the release of information must be paid by the private entity or entities that contract with the enhanced electronic access system established by the ~~intelenet commission under IC 5-21~~ **office of technology**.

(g) For employee information under this section, a private entity that enters a contract with the enhanced electronic access system established by the ~~intelenet commission under IC 5-21~~ **office of technology** for release of employee information must comply with:

- (1) the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.);
- (2) all state and federal privacy laws; and
- (3) the rules regarding the release of information adopted by the United States Department of Labor.

(h) A private entity that has entered into a contract with the enhanced electronic access system under subsection (b) must maintain a consent verification system that audits at least five percent (5%) of

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1 daily transactions and must maintain a file of audit procedures and
2 results.

3 (i) A person who violates this section commits a Class A infraction.

4 SECTION 37. IC 24-3-5.4-14 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) Not later than
6 July 1 of each year, the attorney general shall make available to the
7 public by publishing on accessIndiana (as ~~defined in IC 5-21-1-1.5~~)
8 **operated under IC 4-13.1-4**) a directory listing all brand families
9 listed in certifications filed under section 13 of this chapter.

10 (b) A directory described in subsection (a) shall not include the
11 name or brand families of a nonparticipating manufacturer:

12 (1) that fails to comply with section 13 of this chapter; or

13 (2) whose certification fails to comply with section 13(c) or 13(e)
14 of this chapter, unless the attorney general determines that the
15 failure has been remedied.

16 (c) The directory may not include a tobacco product manufacturer
17 or a brand family if the attorney general concludes that:

18 (1) in the case of a nonparticipating manufacturer, all escrow
19 payments required under IC 24-3-3-12 for any period for any
20 brand family, whether or not listed by the nonparticipating
21 manufacturer, have not been fully paid into a qualified escrow
22 fund governed by a qualified escrow agreement that has been
23 approved by the attorney general; or

24 (2) all outstanding final judgments, including interest on the
25 judgments, for violations of IC 24-3-3 have not been fully
26 satisfied for the tobacco product manufacturer or brand family.

27 (d) The attorney general shall update the directory as necessary to
28 correct mistakes or to add or remove a tobacco product manufacturer
29 or brand family to keep the directory in conformity with the
30 requirements of this chapter.

31 (e) The attorney general shall post in the directory and transmit by
32 electronic mail or other means to each distributor or stamping agent
33 notice of any removal from the directory of a tobacco product
34 manufacturer or brand family not later than thirty (30) days before the
35 attorney general removes the tobacco product manufacturer or brand
36 family from the directory.

37 (f) Unless otherwise provided in an agreement between a tobacco
38 product manufacturer and a distributor or stamping agent, a distributor
39 or stamping agent is entitled to a refund from a tobacco product
40 manufacturer for any money paid by the distributor or stamping agent
41 to the tobacco product manufacturer for any cigarettes of the tobacco
42 product manufacturer or brand family that:

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(1) are in the possession of the distributor or stamping agent on;
or

(2) the distributor or stamping agent receives from a retailer after;
the date on which the tobacco product manufacturer or brand family is
removed from the directory.

(g) Unless otherwise provided in an agreement between a retailer
and a distributor, stamping agent, or tobacco product manufacturer, a
retailer is entitled to a refund from a distributor, stamping agent, or
tobacco product manufacturer for any money paid by the retailer to the
distributor, stamping agent, or tobacco product manufacturer for any
cigarettes of the tobacco product manufacturer or brand family that are
in the possession of the retailer on the date on which the tobacco
product manufacturer or brand family is removed from the directory.

(h) The attorney general shall not restore a tobacco product
manufacturer or brand family to the directory until the tobacco product
manufacturer pays a distributor, stamping agent, or retailer any refund
due under subsection (f) or (g).

(i) A distributor or stamping agent shall provide and update as
necessary an electronic mail address to the attorney general for
purposes of receiving a notification required by this chapter.

SECTION 38. IC 25-1-5-10 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) As used in this
section, "provider" means an individual licensed, certified, registered,
or permitted by any of the following:

- (1) Board of chiropractic examiners (IC 25-10-1).
- (2) State board of dentistry (IC 25-14-1).
- (3) Indiana state board of health facility administrators
(IC 25-19-1).
- (4) Medical licensing board of Indiana (IC 25-22.5-2).
- (5) Indiana state board of nursing (IC 25-23-1).
- (6) Indiana optometry board (IC 25-24).
- (7) Indiana board of pharmacy (IC 25-26).
- (8) Board of podiatric medicine (IC 25-29-2-1).
- (9) Board of environmental health specialists (IC 25-32-1).
- (10) Speech-language pathology and audiology board
(IC 25-35.6-2).
- (11) State psychology board (IC 25-33).
- (12) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- (13) Indiana physical therapy committee (IC 25-27).
- (14) Respiratory care committee (IC 25-34.5).
- (15) Occupational therapy committee (IC 25-23.5).
- (16) Social worker, marriage and family therapist, and mental

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health counselor board (IC 25-23.6).

(17) Physician assistant committee (IC 25-27.5).

(18) Indiana athletic trainers board (IC 25-5.1-2-1).

(19) Indiana dietitians certification board (IC 25-14.5-2-1).

(20) Indiana hypnotist committee (IC 25-20.5-1-7).

(b) The bureau shall create and maintain a provider profile for each provider described in subsection (a).

(c) A provider profile must contain the following information:

(1) The provider's name.

(2) The provider's license, certification, registration, or permit number.

(3) The provider's license, certification, registration, or permit type.

(4) The date the provider's license, certification, registration, or permit was issued.

(5) The date the provider's license, certification, registration, or permit expires.

(6) The current status of the provider's license, certification, registration, or permit.

(7) The provider's city and state of record.

(8) A statement of any disciplinary action taken against the provider within the previous ten (10) years by a board or committee described in subsection (a).

(d) The bureau shall make provider profiles available to the public.

(e) The computer gateway administered by the ~~intelenet commission~~ **under IC 5-21-2 and known as AccessIndiana office of technology established by IC 4-13.1-2-1** shall make the information described in subsection (c)(1), (c)(2), (c)(3), (c)(6), (c)(7), and (c)(8) generally available to the public on the Internet.

(f) The bureau may adopt rules under IC 4-22-2 to implement this section.

SECTION 39. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2005]: IC 4-23-16; IC 5-21; IC 5-22-2-7; IC 5-22-2-13.9; IC 34-30-2-16.

SECTION 40. [EFFECTIVE JULY 1, 2005] (a) **After June 30, 2005, a reference in any law, rule, contract, or other document or record to:**

(1) **the division of information technology of the department of administration;**

(2) **the technology oversight commission;**

(3) **the intelenet commission; or**

(4) **the enhanced data access review committee;**

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1 shall be treated as a reference to the office of technology
2 established by IC 4-13.1-2-1, as added by this act.

3 (b) On July 1, 2005, the property and obligations of:

4 (1) the division of information technology of the department
5 of administration;

6 (2) the technology oversight commission;

7 (3) the intelenet commission; or

8 (4) the enhanced access review committee;

9 are transferred to the office of technology established by
10 IC 4-13.1-2-1, as added by this act.

11 (c) An action taken by:

12 (1) the division of information technology of the department
13 of administration;

14 (2) the technology oversight commission;

15 (3) the intelenet commission; or

16 (4) the enhanced access review committee;

17 before July 1, 2005, shall be treated after June 30, 2005, as if the
18 action had been taken originally by the office of technology
19 established by IC 4-13.1-2-1, as added by this act.

20 (d) The funds that are in:

21 (1) the telephone rotary fund;

22 (2) the data processing rotary fund;

23 (3) any accounts of the intelenet commission; and

24 (4) the enhanced access review committee;

25 shall be transferred to one (1) or more rotary funds established by
26 the office of technology established by IC 4-13.1-2-1, as added by
27 this act, when the rotary fund or rotary funds are established by
28 the office of technology.

29 (e) On July 1, 2005, individuals who were employees of:

30 (1) the division of information technology of the department
31 of administration;

32 (2) the technology oversight commission;

33 (3) the intelenet commission; or

34 (4) the enhanced access review committee;

35 on June 30, 2005, become employees of the office of technology
36 established by IC 4-13.1-2-1, as added by this act.

37 (f) This SECTION expires July 1, 2006.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Technology, Research and Development, to which was referred House Bill 1137, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the amendments adopted by the house Committee on Technology, Research, and Development on January 5, 2005.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1137 as introduced and as amended by the house Committee on Technology, Research, and Development on January 5, 2005.)

MURPHY, Chair

Committee Vote: yeas 10, nays 1.

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